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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,583	05/30/2000	Toni Kopra	017.38081X00	8331

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DARBY & DARBY P.C.  
P.O. BOX 5257  
NEW YORK, NY 10150-6257

EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/580,583

Applicant(s)

KOPRA, TONI

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection. After further review and consideration of the arguments filed on May 07, 2004, a new office action has been set forth below. Claims 1-18 have been canceled and claims 19-41 are under prosecution in the application. The rejection cited are as stated below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 recites the limitation "the application server". There is insufficient antecedent basis for this limitation in the claim.

Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 33 recites, "receiving interactive betting content that enables a bet to made from the mobile terminal". Correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Under the statute, the claimed invention must fall into one of four recognized statutory classes on invention, namely, a process (or method), a machine (or system); an article of manufacture; or a composition of matter. Claim 35 is not directed to a process, as there are no method steps; it is not directed to a system, as there are no system components; it is not directed to composition of matter, as there are not chemical compounds. Computer program code or signal not claimed as embodied in computer executable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Such claimed computer program, code or carrier wave signal does not define structural and functional interrelationships between the signal and other claimed elements of the invention, which permit the data signal's functionality to be realized (see MPEP section 2106). Since there is no composition of matters or system components claimed to render the claims statutory, the claims are rejected as being directed to a non-statutory matter (see MPEP section 2106).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 19-24, 28, 29, 34-39 and 41 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bandera et al. U.S. Patent No. 6,332,127.

Regarding claims 19-22 and 24, Bandera teaches displaying a link to a resource with a mobile terminal; automatically employing the location of the mobile terminal to determine content that is related to the linked resource and also to the location of the terminal; determining the location at periodic interval; searching a database for sellers information (see abstract, col. 2 lines 29-53, col. 5 lines 15-25 and col. 6 line 41 to col. 7 line 52).

Regarding claim 23 determining the network address of the mobile terminal and mapping the network address to mobile identifier is inherent feature of Bandera's access to Internet (see col. 4 lines 36-45).

Regarding claims 28 and 29, Bandera teaches transceiver configured to communicate over a network; a memory including logical instructions stored therein and a processor configured to enable action based on executing the logical instruction for displaying a link to a resource; storing the location of the mobile terminal and communication the selected link and the location of the mobile terminal to an application server; receiving content related to the linked

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resource and the location and displaying the content (see fig. 2, abstract, col. 2 lines 29-53, col. 5 lines 15-25 and col. 6 line 41 to col. 7 line 52).

Claims 34 and 36 are rejected as stated above in claim 28.

Regarding claim 35, Bandera teaches displaying a link to a resource with a mobile terminal; automatically employing the location of the mobile terminal to determine content that is related to the linked resource and also to the location of the terminal; determining the location at periodic interval; searching a database for sellers information (see abstract, col. 2 lines 29-53, col. 5 lines 15-25 and col. 6 line 41 to col. 7 line 52).

Regarding claims 37-39, Bandera teaches searching database for reseller information that is a match to the location of the terminal and advertisement and providing the information to the mobile terminal (see fig. 2&3 and col. 4 line 35 to col. 5 line 25). Base station subsystem and mobile terminal connected via GSM network is inherent feature.

Claim 41 is rejected as stated above in claim 19.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-27, 30-33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandera and further in view of Saha et al. U.S. Patent No. 6,198,935.

Regarding claims 25-27, 30-33 and 40 Bandera teaches the location of the mobile terminal being determining using different method, such GPS, or based on identification of the cellular base station or satellite beam (see col. 4 lines 46-60 and col. 6 line 42 to col. 7 line 30). Bandera does not explicitly teach measuring radio signals and determining the arrival time of a first detectable path and determining idle periods; , it is taught by Saha (see abstract and col. 5 line 15 to col. 6 line 67 and col. 7 lines 5-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bandera's mobile terminal with Saha's determining of position based upon network characteristics. One would be motivated to include signal measurement for the purpose of computing an accurate position of a mobile station, as taught by Saha (see col. 7 lines 5-10). Bandera's Web access from the mobile terminal enables a bet from the mobile terminal.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

De Boor et al. U.S. Patent No. 6,173,316 teaches wireless communication device with markup language based machine interface.

Rouhollahzadeh et al. U.S. Patent No. 6,208,866 teaches location-based marketing to mobile stations with a cellular network.

Stewart U.S. Patent No. 6,326,918 teaches geographic-based communications service.

Fischer et al. U.S. Patent No. 6,295,455 teaches locating a mobile telecommunication station.

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Vilander et al. U.S. Patent No. 6,553,219 teaches mobile Internet access mapping mobile to Internet service provider.

Hidary U.S. Patent No. 5,852,775 teaches cellular telephone advertising system.

Polyakow U.S. Patent No. 6,414,602 teaches advertisement to moving vehicles.

Baker et al. U.S. Patent No. 6,430,599 teaches just-in-time service for small footprint devices.

Ashmore U.S. Patent No. 6,738,630 combining markers with location information to deliver domain-specific content to mobile devices.

Amin et al. U.S. Patent No. 6,353,398 teaches dynamically pushing information to user utilizing global positions system.

Dowling et al. U.S. Patent No. 6,741,188 teaches geographical web browser.

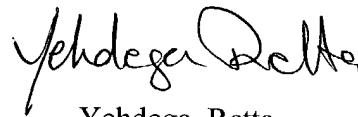
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta  
Primary Examiner  
Art Unit 3622

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